

House Study Bill 145

SENATE/HOUSE FILE _____
BY (PROPOSED DEPARTMENT OF
HUMAN SERVICES BILL)

Passed Senate, Date _____ Passed House, Date _____
Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays _____
Approved _____

A BILL FOR

1 An Act relating to programs and services under the purview of the
2 department of human services, and providing for retroactive
3 applicability and effective dates.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
5 TLSB 1220DP 80
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1 1 Section 1. Section 235A.13, subsection 8, Code 2003, is
1 2 amended to read as follows:
1 3 8. "Multidisciplinary team" means a group of individuals
1 4 who possess knowledge and skills related to the diagnosis,
1 5 assessment, and disposition of child abuse cases and who are
1 6 professionals practicing in the disciplines of medicine,
1 7 nursing, public health, substance abuse, domestic violence,
1 8 mental health, social work, child development, education, law,
1 9 juvenile probation, or law enforcement, or a group established
1 10 pursuant to section 235B.1, subsection 1.
1 11 Sec. 2. Section 249A.3, subsection 2, paragraph a, Code
1 12 2003, is amended to read as follows:
1 13 a. As allowed under 42 U.S.C. } 1396a(a)(10)(A)(ii)(XIII),
1 14 individuals with disabilities, who are less than sixty-five
1 15 years of age, who are members of families whose income is less
1 16 than two hundred fifty percent of the most recently revised
1 17 official poverty ~~line guidelines~~ published by the ~~federal~~
~~1 18 office of management and budget United States department of~~
~~1 19 health and human services~~ for the family, who have earned
1 20 income and who are eligible for medical assistance or
1 21 additional medical assistance under this section if earnings
1 22 are disregarded. As allowed by 42 U.S.C. } 1396a(r)(2),
1 23 unearned income shall also be disregarded in determining
1 24 whether an individual is eligible for assistance under this
1 25 paragraph. For the purposes of determining the amount of an
1 26 individual's resources under this paragraph and as allowed by
1 27 42 U.S.C. } 1396a(r)(2), a maximum of ten thousand dollars of
1 28 available resources shall be disregarded and any additional
1 29 resources held in a retirement account, in a medical savings
1 30 account, or in any other account approved under rules adopted
1 31 by the department shall also be disregarded. Individuals
1 32 eligible for assistance under this paragraph, whose individual
1 33 income exceeds one hundred fifty percent of the official
1 34 poverty ~~line guidelines~~ published by the ~~federal office of~~
~~1 35 management and budget United States department of health and~~
~~2 1 human services~~ for an individual, shall pay a premium. The
2 2 amount of the premium shall be based on a sliding fee schedule
2 3 adopted by rule of the department and shall be based on a
2 4 percentage of the individual's income. The maximum premium
2 5 payable by an individual whose income exceeds one hundred
2 6 fifty percent of the official poverty ~~line guidelines~~ shall be
2 7 commensurate with ~~premiums charged for private the cost of~~
~~2 8 state employees' group health insurance~~ in this state. ~~This~~
~~2 9 paragraph shall be implemented no later than March 1, 2000.~~
2 10 Sec. 3. Section 249A.5, subsection 2, paragraph b, Code
2 11 2003, is amended to read as follows:
2 12 b. If the collection of all or part of a debt is waived
2 13 pursuant to subsection 2, paragraph "a", ~~the amount waived~~
~~2 14 shall be a debt due from the estate of the recipient's~~
~~2 15 surviving spouse, child who is blind or has a disability, or~~
~~2 16 the recipient of a hardship waiver under subsection 2,~~
~~2 17 paragraph "a", subparagraph (2), upon the death of such~~
~~2 18 spouse, child, or recipient, or due from a surviving child,~~
~~2 19 who was under twenty-one years of age at the time of the~~
~~2 20 recipient's death, upon the child reaching age twenty-one, to~~
~~2 21 the extent the recipient's estate is received by such spouse,~~
~~2 22 child, or recipient to the extent the medical assistance~~

2 23 recipient's estate was received by the following persons, the
2 24 amount waived shall be a debt due from one of the following,
2 25 as applicable:

2 26 (1) The estate of the medical assistance recipient's
2 27 surviving spouse or child who is blind or has a disability,
2 28 upon the death of such spouse or child.

2 29 (2) A surviving child who was under twenty-one years of
2 30 age at the time of the medical assistance recipient's death,
2 31 upon the child reaching the age of twenty-one or from the
2 32 estate of the child if the child dies prior to reaching the
2 33 age of twenty-one.

2 34 (3) The estate of the recipient of the undue hardship
2 35 waiver, at the time of death of the hardship waiver recipient,
3 1 or from the hardship waiver recipient when the hardship no
3 2 longer exists.

3 3 Sec. 4. Section 249A.12, subsection 4, Code 2003, is
3 4 amended by adding the following new paragraph:
3 5 NEW PARAGRAPH. c. Effective February 1, 2002, the state
3 6 shall be responsible for all of the nonfederal share of the
3 7 costs of intermediate care facility for persons with mental
3 8 retardation services provided under medical assistance
3 9 attributable to the assessment fee for intermediate care
3 10 facilities for individuals with mental retardation, imposed
3 11 pursuant to section 249A.21. Notwithstanding subsection 2,
3 12 effective February 1, 2003, a county is not required to
3 13 reimburse the department and shall not be billed for the
3 14 nonfederal share of the costs of such services attributable to
3 15 the assessment fee.

3 16 Sec. 5. NEW SECTION. 249A.26A STATE AND COUNTY
3 17 PARTICIPATION IN FUNDING FOR REHABILITATION SERVICES FOR
3 18 PERSONS WITH CHRONIC MENTAL ILLNESS.

3 19 The county of legal settlement shall pay for the nonfederal
3 20 share of the cost of rehabilitation services provided under
3 21 the medical assistance program for persons with chronic mental
3 22 illness, except that the state shall pay for the nonfederal
3 23 share of such costs if the person does not have a county of
3 24 legal settlement.

3 25 Sec. 6. Section 252A.5, subsection 1, Code 2003, is
3 26 amended to read as follows:

3 27 1. Where the petitioner and the respondent are residents
3 28 of or domiciled or found in this state or where this state may
3 29 exercise personal jurisdiction over a nonresident respondent
3 30 under section 252K.201.

3 31 Sec. 7. Section 252A.6, subsection 1, Code 2003, is
3 32 amended to read as follows:

3 33 1. A proceeding under this chapter shall be commenced by
3 34 filing a verified petition in the court in equity in the
3 35 county where the dependent resides or is domiciled, ~~showing or~~
4 1 if the dependent does not reside in or is not domiciled in
4 2 this state, where the petitioner or respondent resides, or
4 3 where public assistance has been provided for the dependent.

4 4 The petition shall show the name, age, residence, and
4 5 circumstances of the dependent, alleging that the dependent is
4 6 in need of and is entitled to support from the respondent,
4 7 giving the respondent's name, age, residence, and
4 8 circumstances, and praying that the respondent be compelled to
4 9 furnish such support. The petitioner may include in or attach
4 10 to the petition any information which may help in locating or
4 11 identifying the respondent including, but without limitation
4 12 by enumeration, a photograph of the respondent, a description
4 13 of any distinguishing marks of the respondent's person, other
4 14 names and aliases by which the respondent has been or is
4 15 known, the name of the respondent's employer, the respondent's
4 16 fingerprints, or social security number.

4 17 Sec. 8. RETROACTIVE APPLICABILITY AND EFFECTIVE DATE.
4 18 Section 4 of this Act, amending section 249A.12, subsection 4,
4 19 relating to payment of costs for intermediate care facilities
4 20 for persons with mental retardation, is retroactively
4 21 applicable to February 1, 2002, and takes effect upon
4 22 enactment.

4 23 EXPLANATION

4 24 This bill relates to programs and services under the
4 25 purview of the department of human services.

4 26 Under the bill, in addition to individuals practicing other
4 27 disciplines, a "multidisciplinary team" under the child abuse
4 28 chapter would include individuals practicing in the discipline
4 29 of domestic violence.

4 30 The bill also amends language relating to future collection
4 31 of debt due the department of human services from a medical
4 32 assistance recipient's estate if present collection of the
4 33 debt from the recipient's estate had been waived because

4 34 collection would have resulted in a reduction in the amount
4 35 received from the medical assistance recipient's estate by a
5 1 surviving spouse or child, or because collection would have
5 2 otherwise worked an undue hardship. The bill clarifies from
5 3 whom the future collection of the debt is due and under what
5 4 circumstances. In the instance in which the recipient of the
5 5 medical assistance recipient's estate was a surviving spouse
5 6 or a child who is blind or has a disability, the debt is due
5 7 from the surviving spouse's or child's estate, upon the death
5 8 of the spouse or child. In the instance in which the
5 9 recipient of the medical assistance recipient's estate was a
5 10 surviving child who was under 21 years of age at the time of
5 11 the medical assistance recipient's death, the debt is due from
5 12 the surviving child upon the child reaching the age of 21 or
5 13 from the estate of the child if the child dies prior to
5 14 reaching the age of 21. In the instance in which collection
5 15 of the debt was waived based upon an undue hardship, the debt
5 16 is due from the estate of the recipient of the undue hardship
5 17 waiver, at the time of the death of the recipient, or from the
5 18 hardship waiver recipient when the hardship no longer exists.

5 19 The bill also updates and corrects references regarding
5 20 persons with disabilities who are eligible for medical
5 21 assistance under earnings disregard provisions.

5 22 The bill provides that beginning February 1, 2002, the
5 23 state is responsible for all of the nonfederal share of the
5 24 costs of intermediate care facility for persons with mental
5 25 retardation services provided under medical assistance that
5 26 are attributable to the assessment fee for intermediate care
5 27 facilities for individuals with mental retardation. Beginning
5 28 February 1, 2003, and notwithstanding a contrary provision, a
5 29 county is not required to reimburse the department of human
5 30 services and is not to be billed for the costs of the services
5 31 provided that they are attributable to the assessment fee.
5 32 This section of the bill is retroactively applicable to
5 33 February 1, 2002, and takes effect upon enactment.

5 34 The bill also provides that the county of legal settlement
5 35 of a person is to pay the nonfederal costs of rehabilitation
6 1 services provided under the medical assistance program for
6 2 persons with chronic mental illness. However, if the person
6 3 has no county of legal settlement, the state is responsible
6 4 for payment of the nonfederal share of the costs.

6 5 The bill provides that a proceeding under the support of
6 6 dependents chapter may be commenced by filing a petition not
6 7 only with the court in a county where the dependent resides or
6 8 is domiciled, but, if the dependent does not reside in or is
6 9 not domiciled in Iowa, in the county where the petitioner or
6 10 respondent resides, or where public assistance has been
6 11 provided for the dependent.

6 12 LSB 1220DP 80

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